

Notice of Allowability

Application No.

10/619,708

Applicant(s)

SMALL ET AL.

Examiner

Art Unit

Michael A. Marcheschi

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/24/05.
2. ☒ The allowed claim(s) is/are 98-127,130-139,142-147,153,155-170,172-193,197-203.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

MICHAEL MARCHESCHI
PRIMARY EXAMINER

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An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 7/7/05, Christopher G. Hayden requested an extension of time for 1 MONTH and authorized the Director to charge Deposit Account No. 50-0310 the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 98, lines 4-7, cancel "a catalyst comprising... portion of the abrasive particle" and insert --a catalyst, wherein the catalyst is a source of an ion of a metal, wherein the metal ion is selected from the group consisting of cobalt, copper, iron, nickel, silver and any combination thereof, and further wherein there is a physical connection between the metal ion and at least a portion of the surface of the abrasive particle--.

Claim 101, line 1, cancel "99" and insert --100--.

Claim 119, line 2, cancel "-0.52" and insert -- -0.52--.

Claim 121, lines 1-2, cancel "consists essentially of iron, copper, or" and insert --is selected from the group consisting of iron, copper, and--.

Claim 122, line 2, cancel "comprises" and insert --is selected from the group consisting of--.

Claim 123, line 1, cancel "comprises" and insert --is--.

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Cancel claims 128, 140, 141, 148, 149, 151, 152, 194, 195 and 196.

Claim 142, lines 5-7, cancel “a catalyst comprising...portion of the abrasive particle” and insert --a catalyst, wherein the catalyst is a source of an ion of a metal, wherein the metal ion is selected from the group consisting of copper, iron, nickel, silver and any combination thereof, and further wherein there is a physical connection between the metal ion and at least a portion of the surface of the abrasive particle--.

Claim 155, lines 5-7, cancel “a catalyst comprising...portion of the abrasive particle,” and insert --a catalyst, wherein the catalyst is a source of an ion of a metal, wherein the metal ion is selected from the group consisting of copper, iron, nickel, silver and any combination thereof, and further wherein there is a physical connection between the metal ion and at least a portion of the surface of the abrasive particle,--.

Claim 176, line 3, cancel “catalyst n” and insert --catalyst on--.

Claim 201, lines 5-6, cancel “a catalyst comprising...portion of the abrasive particle” and insert --a catalyst, wherein the catalyst is a source of an ion of a metal, wherein the metal ion is selected from the group consisting of metals in Group 1(b) and Group 8 and any combination thereof, and further wherein there is a physical connection between the metal ion and at least a portion of the surface of the abrasive particle--.

The following is an examiner's statement of reasons for allowance:

The claimed invention is novel over the prior art of record because said art **fails** to teach or suggest the claimed composition and method of using it, wherein the composition, in addition

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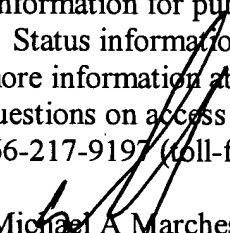
to an abrasive and oxidizing agent, comprises a catalyst, wherein the catalyst is a source of an ion of a metal, wherein the metal ion is selected from claimed metals, and further wherein there is a physical connection between the metal ion and at least a portion of the surface of the abrasive particle. The primary reference relied upon by the examiner in the initial office actions is silent with respect to the limitation that "there is a physical connection between the metal ion and at least a portion of the surface of the abrasive particle. Although this reference teaches an oxide associated with the surface, this is not a metal ion physically connected to the surface. In addition, the reference is silent with respect to the metal ions claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Marcheschi whose telephone number is (571) 272-1374. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael A Marcheschi
Primary Examiner
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MM
7/05